

PRODUCT: 10 100-pound bags and 58 50-pound bags of flour at Whittier, Calif.

LABEL, IN PART: "Diamond D Flour," or "Best Out West Enriched Flour."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments.

DISPOSITION: May 4, 1948. Default decree of condemnation and destruction.

13035. Adulteration and misbranding of enriched flour. U. S. v. Russell-Miller Milling Co. Plea of nolo contendere. Fine, \$500. (F. D. C. No. 24059. Sample Nos. 76359-H, 76450-H.)

INFORMATION FILED: February 25, 1948, Northern District of Texas, against the Russell-Miller Milling Co., a corporation, Dallas, Tex.

ALLEGED SHIPMENT: On or about February 13 and March 22, 1947, from the State of Texas into the States of Louisiana and Florida.

LABEL, IN PART: "Enriched Stanard's Reliable Flour," or "American Beauty Self-Rising Enriched Flour."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents of the article had been in part omitted and abstracted.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for enriched flour, since one shipment contained per pound less than 2 milligrams of thiamine and less than 16 milligrams of niacin and the other shipment contained per pound less than 2 milligrams of thiamine and less than 1.2 milligrams of riboflavin. (The standard requires a minimum of 2 milligrams of thiamine (vitamin B₁), 16 milligrams of niacin or niacin amide, and 1.2 milligrams of riboflavin per pound.) Further misbranding, Section 403 (a), the statements, "8 Ozs. Enriched flour contain not less than the following proportions of the minimum daily requirements of: Thiamine 100% * * * and 8 Mg. of Niacin" and "8 Oz. enriched self-rising flour contain not less than the following proportions of the minimum daily requirements of: Thiamine 100%, Riboflavin 30%," borne on the labels of the respective lots, were false and misleading, since the former contained less thiamine and niacin and the latter contained less thiamine and riboflavin than indicated.

DISPOSITION: February 27, 1948. A plea of nolo contendere having been entered, a fine of \$500 was imposed.

MACARONI AND NOODLE PRODUCTS*

13036. Alleged adulteration of spaghetti and macaroni. U. S. v. 150 Cartons, etc. Tried to the court. Verdict for claimant. Verdict sustained on Government's appeal to circuit court of appeals. Government's request for certiorari to United States Supreme Court denied. (F. D. C. No. 14857. Sample Nos. 73785-F to 73787-F, incl.)

LIBEL FILED: February 27, 1944; amended September 28, 1945, District of Arizona.

ALLEGED SHIPMENT: On or about February 13, 1943, from Denver, Colo.

PRODUCT: 150 10-pound cartons of spaghetti and 25 10-pound cartons of macaroni at Douglas, Ariz., in possession of the Phelps Dodge Mercantile Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hairs, and rodent excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 22, 1945. The Phelps Dodge Mercantile Co. having filed exceptions to the libel, the district court allowed the exceptions and ordered the libel dismissed and the product returned to the claimant. The Government having appealed to the circuit court of appeals, the circuit court of appeals, on September 25, 1946, handed down the following decision sustaining the lower court:

MATHEWS, *Circuit Judge*: "On an amended libel of information filed on September 28, 1945, appellant, the United States, proceeded against 175 cartons

*See also No. 13176.